

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-----------------------------|---|--------------------------|
| PMA INSURANCE GROUP, as |) | |
| subrogee of Times Past, LP, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 1:23-cv-1786 |
| v. |) | |
| |) | Honorable Manish S. Shah |
| AMERICAN NUMISMATIC |) | |
| ASSOCIATION, |) | |
| |) | |
| Defendant. |) | |

JOINT INITIAL STATUS REPORT

Plaintiff PMA Insurance Group, as subrogee of Times Past, LP (“Times Past”), and defendant American Numismatic Association (the “ANA”), by and through their respective undersigned counsel, hereby submit this Joint Initial Status Report, stating as follows:

1. The Nature of the Case

a. Identify the attorneys of record for each party, including the lead trial attorney.

Attorneys for Plaintiff:

Kenneth T. Levine (*pro hac vice* to be filed, lead trial attorney)
Benjamin D. Wharton (*pro hac vice* pending)
de Luca Levine LLC
301 E. Germantown Pike, 3rd Floor
East Norriton, PA 19401

Matthew S. McLean
Thompson, Brody and Kaplan, LLP
161 N. Clark St., Suite 3575
Chicago, IL 60601

Attorneys for Defendant:

Michael I Rothstein (lead trial attorney)

Amanda N. Catalano

Tabet DiVito & Rothstein LLC

209 S. La Salle St., 7th Floor

Chicago, IL 60604

b. State the basis for federal jurisdiction.

Plaintiff alleges this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and complete diversity of citizenship exists among the parties.

c. Describe the nature of the claims asserted in the complaint and any counterclaims.

Plaintiff, as subrogee of Times Past, brings a one-count negligence claim against the ANA. Plaintiff alleges the ANA failed to properly secure a trade show, thereby allowing unknown third parties to abscond with Times Past's valuables.

The ANA has not asserted any counterclaims.

d. State the major legal and factual issues anticipated in the case.

The ANA contends that Plaintiff's claim is barred by the economic loss doctrine. The ANA also contends that it owed no duty to Times Past, that it did not breach any duty to Times Past, and that Times Past was a trespasser on its premises. The ANA further contends that the value of the alleged loss is overstated.

e. Describe the relief sought by the plaintiff(s).

Plaintiff seeks to recover damages equal to the alleged value of the allegedly stolen property.

2. Pending Motions and Case Plan

a. Identify all pending motions:

The ANA filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) on December 7, 2023 (Dkt. #20). Per the Court's December 8, 2023, minute order (Dkt. #22), the parties request the following briefing schedule on Defendant's motion to dismiss:

- Plaintiff intends to file an Amended Complaint under F.R.C.P. 15(a)(1)(B) on or before December 28, 2023.

b. Submit a proposal for a discovery plan:

The parties request that the Court defers setting a discovery plan until after the ANA files an answer to the Amended Complaint. Depending on the allegations in the Amended Complaint, the ANA may file a motion to dismiss.

c. With respect to trial, indicate whether a jury trial is requested and the probable length of trial.

No jury trial has been requested. The probable length of trial is three days.

3. Consent to Proceed Before a Magistrate Judge:

a. Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.

The parties do not unanimously consent to proceed before a Magistrate Judge at this time.

4. Status of Settlement Discussions

a. Indicate whether any settlement discussions have occurred.

The parties participated in a mediation before the Hon. Michael J. Powers (Ret.) with ADR Systems on October 3, 2023. The mediation did not result in a settlement.

b. Describe the status of any settlement discussions.

There are no further settlement discussions at this time.

c. Whether the parties request a settlement conference.

The parties do not request a settlement conference at this time.

Dated: December 11, 2023

PMA Insurance Group

By: /s/ Matthew S. McLean
One of Its Attorneys

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Respectfully submitted,

American Numismatic Association

By: /s/ Amanda N. Catalano
One of Its Attorneys

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CERTIFICATE OF SERVICE

I certify that today, December 11, 2023, I electronically filed the foregoing **Joint Initial Status Report** using this Court's CM/ECF service. All counsel of record will be served via the Court's CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notification.

/s/ Amanda N. Catalano